

1 The Honorable Benjamin H. Settle  
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10 UNITED STATES DISTRICT COURT FOR THE  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT TACOMA  
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15 UNITED STATES OF AMERICA,  
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17 NO. CR18-5141 BHS  
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19 v.  
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21 DONNIE BARNES, SR.,  
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30 **JOINT PROPOSED JURY  
31 INSTRUCTION REGARDING  
32 LIMITED PURPOSES FOR WHICH  
33 CERTAIN EVIDENCE SHOULD BE  
34 ADMITTED**

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36 In response to the Court's minute order issued after the pretrial Conference on October  
37 22, 2019 (Dkt 69), the parties have conferred and propose the following limiting instruction,  
38 which should be read to the jury before Exhibit 5 is published to the jury. The government  
39 intends to offer three exhibits containing contraband that it will seek to publish to the jury (as  
40 well as redacted versions of these same exhibits). Exhibits 3 and 4 pertain to visual depictions  
41 of J.T. Exhibit 5 contains visual depictions minors other than J.T. That Exhibit thus relates  
42 primarily to Count 3 of the Indictment, though the government will argue that the defendant's  
43 possession of these visual depictions does constitute evidence of the defendant's culpable  
44 mental state as it relates to Count 1 and 2. As such, the parties have agreed on the following  
45 limiting instruction to be read to the jury before the government publishes Exhibit 5.  
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3 *Attorneys for Defendant*

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5 *s/ Mohammad Ali Hamoudi*  
6 MOHAMMAD ALI HAMOUDI  
7 GREGORY MURPHY  
8 Assistant Federal Defenders

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DATED: October 18, 2019

BRIAN T. MORAN  
United States Attorney

*s/ Matthew Hampton*  
MATTHEW HAMPTON  
LYNDSIE R. SCHMALZ  
Assistant United States Attorney

1 REQUESTED INSTRUCTION NO. \_\_

2 INSTRUCTION NO. \_\_

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4 You are about to hear testimony about and view evidence contained in Government's

5 Exhibit 5. You should consider this evidence in determining whether the defendant is guilty of

6 the offense charged in Count 3. You may also consider this evidence in determining whether

7 the defendant had the state of mind, knowledge, or intent necessary to commit the crimes

8 charged in Counts One and Two of the Indictment.

9 Do not consider this evidence for any other purpose.

10 Of course, it is for you to determine whether you believe this evidence and, if you do

11 believe it, whether you accept it for the purpose offered. You may give it such weight as you

12 feel it deserves, but only for the limited purposes that I described to you.

13 You may not consider this evidence as proof that the defendant has a bad character or

14 any propensity to commit crimes. Specifically, you may not use this evidence to conclude that

15 because the defendant may have committed the offense charged in Count 3 he must also have

16 committed the acts charged in Counts 1 or 2 of the Indictment.

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